

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES JONES,

Plaintiff,

v.

CASE NO. 2:09-CV-11283
JUDGE LAWRENCE P. ZATKOFF
MAGISTRATE JUDGE PAUL J. KOMIVES

CORRECTIONAL OFFICER LEE,
CORRECTIONAL OFFICER MASSENGILL,
and MONROE COUNTY JAIL,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO GIVE NOTICE (docket #27) AND
CONSTRUING MOTION AS A RESPONSE BRIEF**

This prisoner civil rights case is before the Court on defendants' motion for summary judgment, with respect to which a Report and Recommendation has been filed on this date. In addition to a response and supplemental response to the motion for summary judgment, plaintiff filed a "Motion to Give Notice" on October 6, 2010. This motion is not a proper motion. It does not seek any relief or order from the Court. *See Melendez v. United States*, 518 U.S. 120, 126 (1996) (quoting *Black's Law Dictionary* 1013 (6th ed. 1990)) ("[T]he term 'motion' generally means '[a]n application made to a court or judge for purpose of obtaining a rule or order directing some act to be done in favor of the applicant.'"); *Knickerbocker v. Artuz*, 198 F. Supp. 2d 415, (S.D.N.Y. 2002) (quoting *Black's Law Dictionary* 1031 (7th ed. 1999) ("A motion is an application for relief addressed to a court. More precisely, it is, 'A written or oral application requesting a court to make a specified ruling or order.'"). Thus, the "motion" is more properly characterized as a supplemental response to defendants' motion for summary judgment. *See Robinson v. Sobina*, No. 09-247, 2011

WL 6056894, at *11 (W.D. Pa. Dec. 06, 2011); Lawrence v. Parker, No. 3:05-0627, 2007 WL 2746935, at *1 n.1 (M.D. Tenn. Sept. 17, 2007).

Accordingly, it is ORDERED that plaintiff's Motion to Give Notice is hereby DENIED. It is further ORDERED that the motion is hereby construed as a supplemental response to defendants' motion for summary judgment. The Motion to Give Notice, so construed, is considered in the Report and Recommendation filed on this date. The attention of the parties is drawn to FED. R. CIV. P. 72(a), which provides a period of fourteen days from the date of this Order within which to file any objections for consideration by the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

Dated: March 2, 2012

I hereby certify that a copy of this document was sent to

Charles Jones
657191
5156 William Fox Lane
Ottawa Lake, MI 49267

and parties of record on March 2, 2012 by electronic and/or U.S. Mail.

S/Michael Williams
Relief Case Manager for the Honorable
Paul J. Komives